

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SUSAN HOY, as Special Administrator of the ESTATE OF A.D.J., a male minor (November 17, 2003 – April 25, 2017), and SUSAN HOY, as Guardian Ad Litem of A.B.J., a female minor (December 21, 2005), DIJONAY THOMAS, individually and as heir to A.D.J.,

Case No. 2:18-CV-01403-RFB-EJY

ORDER

Plaintiffs.

V.

PAUL D. JONES, individually; CAROLE FALCONE, individually and in her official capacity; PAULA HAMMACK, individually and in her official capacity; COUNTY OF CLARK, a political subdivision of the State of Nevada; DOES I-X, individuals; and ROE CORPORATIONS I-X; DOE CLARK COUNTY DEPARTMENT OF FAMILY SERVICES EMPLOYEES XI-XXX; individually and in their official capacities; BOULDER II DE, LLC, a Delaware Limited Liability Company dba SIEGEL SUITES BOULDER 2; THE SIEGEL GROUP NEVADA, INC., a Domestic Corporation, dba THE SIEGEL GROUP; BOULDER II LV HOLDINGS, LLC, a Nevada Limited Liability Company; DOE EMPLOYEE SIEGEL SUITES I-X.

Defendants.

Pending before the Court is Plaintiffs' Motion to Amend Complaint After Motion for Reconsideration Decision (ECF No. 85); Defendant Boulder II DE, LLC's Opposition to Plaintiffs' Motion to Amend Complaint After Motion for Reconsideration Decision (ECF No. 86); County of Clark, Carole Falcone, and Paula Hammack's: (1) Opposition to Plaintiffs' Motion to Amend Complaint after Motion for Reconsideration [ECF No. 87]; and (2) Counter-Motion to Strike Plaintiffs' Motion to Amend ... and for Sanctions (ECF No. 89); Plaintiffs' Reply to Defendant Boulder II DE, LLC's Opposition to Plaintiffs' Motion to Amend Complaint After Motion for Reconsideration Decision (ECF No. 92); Plaintiffs' Reply to Defendants County of Clark, Carole

1 Falcone and Paula Hammack's: (1) Opposition to Plaintiffs' Motion to Amend Complaint after
 2 Motion for Reconsideration; and (2) Counter-Motion to Strike Plaintiffs' Motion to Amend ... and
 3 for Sanctions (ECF No. 93); and, Defendant County of Clark, Carole Falcone and Paula Hammack's
 4 Reply to Plaintiffs' Reply to Defendants': (1) Opposition to Plaintiffs' Motion to Amend Complaint
 5 after Motion for Reconsideration; and (2) Counter-Motion to Strike Plaintiffs' Motion to Amend ...
 6 and for Sanctions (ECF No. 94).

7 On May 30, 2020, the Honorable Richard F. Boulware, District Judge, ordered this matter
 8 stayed until the criminal case pending in the Eighth Judicial District Court against Paul D. Jones is
 9 resolved. ECF No. 63 at 26. This Court further notes that in the Court's May 30, 2020 Order, there
 10 was no time period within which Plaintiffs were required to file their amended complaint to assert
 11 allegations sufficient to state a claim for liability as to Siegel Group Nevada Inc. and Boulder II LV
 12 Holdings, LCC. *Id.* Further, no grant of leave to amend was ordered as to Defendants County of Clark,
 13 Carole Falcone or Paula Hammack. *Id.* A review of Plaintiffs' currently pending Motion to Amend
 14 (ECF No. 85) shows Plaintiffs do not seek to amend the operative complaint or delay amendment of
 15 the operative complaint against County of Clark, Carole Falcone, and Paula Hammack. ECF No.
 16 85. Instead, as to these Defendants, Plaintiffs are seeking reconsideration of the Court's Order
 17 granting summary judgment in their favor. *See* ECF No. 69.

18 Further, because the Court ordered no specific time within which Plaintiffs were required to
 19 file an amended complaint against Defendants Siegel Group Nevada Inc. and Boulder II LV
 20 Holdings, LLC, and the matter is stayed until resolution of the criminal proceedings pending in
 21 Nevada State Court, Plaintiffs' Motion to Amend after Reconsideration Decision is premature. For
 22 these same reasons, as well as because Defendants County of Clark, Carole Falcone, and Paula
 23 Hammack's Motion to Strike and for Sanctions is based on a faulty factual premise, their Motion is
 24 moot.

25 Accordingly, and based on the foregoing,

26 **IT IS HEREBY ORDERED** that Plaintiffs' Motion to Amend Complaint After Motion for
 27 Reconsideration Decision (ECF No. 85) is DENIED, without prejudice, as premature as this matter
 28 is stayed until the criminal matter pending against Defendant Paul D. Jones is resolved.

1 IT IS FURTHER ORDERED that County of Clark, Carole Falcone, and Paula Hammack's
2 Counter-Motion to Strike Plaintiffs' Motion to Amend and for Sanctions (ECF No. 89) is DENIED
3 as moot because the Motion is based on an erroneous factual premise.

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5 Dated this 4th day of January, 2021

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8 Elayna J. Youchah
9 UNITED STATES MAGISTRATE JUDGE

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